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Attorney for Defendant Eric Lee Flores

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

UNITED STATES OF AMERICA,

Case No. 3:16-cr-00051-BR

Plaintiff,

**MOTION FOR WITHDRAWAL OF
GUILTY PLEA**

v.

ERIC LEE FLORES,

Defendant.

CERTIFICATE OF CONFERRAL

Pursuant to this Court's order, the parties have conferred and the government by and through AUSA Craig Gabriel objects to the relief requested.

MOTION

COMES NOW the defendant, Eric Lee Flores, by and through his attorney, Ernest Warren, Jr., and moves the Court for an order allowing the defendant to withdraw his plea of guilty because he has newly discovered evidence, that was presented in the trial of codefendants, that if known to the defendant would have persuaded him not to plead guilty in this case. This

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newly discovered evidence included the testimony and statements of confidential informants who were encouraging others to violate the law and escalate confrontations with federal officers unnecessarily.

Additionally, the presentation of the testimony and statements of confidential informants in the codefendants trial was a substantial factor in the acquittals of the codefendants before a jury. This evidence is newly discovered by the defendant, and supplies a fair and just reason for defendant's withdrawal of his guilty plea.

Points and Authorities

Fed. R. Crim. P. 11(d)(2)(B)

DATED this 8th day of November, 2016.

RESPECTFULLY SUBMITTED,

/s/ Ernest Warren, Jr.

Ernest Warren, OSB No. #891384
Attorney for defendant

CERTIFICATE OF SERVICE

I hereby certify that I have served the **MOTION FOR WITHDRAWAL OF GUILTY PLEA AND DECLARATION IN SUPPORT OF MOTION FOR WITHDRAWAL OF GUILTY PLEA** in the attached matter upon the parties listed below by notice of electronic filing using the CM/ECF System as follows:

Ethan D. Knight
Craig J. Gabriel
Geoffrey A. Barrow
U.S. Attorney's Office
District of Oregon
1000 S.W. Third Avenue
Suite 600
Portland, OR 97204
503-727-1000
Fax: 503-727-1117

and filed the original with the Court on the date listed below.

DATED this 8th day of November, 2016.

WARREN & SUGARMAN

/S/ Ernest Warren, Jr.

Ernest Warren, Jr. OSB No. 891384
Attorney for defendant